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**MEMO ENDORSED**

Via Fax (212) 805-0426

Honorable Laura Taylor Swain, USDJ  
United States District Court  
Southern District of New York  
40 Foley Square, Chambers 1205  
New York, NY 10007

IT IS ORDERED that counsel to whom this Memo  
Endorsement is sent is responsible for faxing or  
otherwise delivering promptly a copy to all counsel  
and unrepresented parties and filing a certificate of  
such service within 5 days from the date hereof. Do  
not fax such certification to Chambers.

Re: *Association of Holocaust Victims for Restitution of Artwork & Masterpieces a/k/a  
AHVRAM et al v. Russian Federation, Republic of Germany et al, 04 Civ. 8456;*  
- and -

*Association of Holocaust Victims for Restitution of Artwork & Masterpieces a/k/a  
AHVRAM et al v. Republic of Hungary, Republic of Germany et al, 04 Civ. 8457;*

Honorable Judge Swain:

We are plaintiffs' co-counsel in these matters and write to give Your Honor an update on  
the status of pleadings in advance of the January 14, 2005 Oral Argument.

- Plaintiffs' Memorandum in Opposition to Defendants' Motion to Dismiss and in Support of Other Relief, dated December 31, 2004, and supporting December 31, 2004 Affidavit of Dr. Joram Deutsch were filed (manually first and electronic filings being done this week), served and a courtesy copy has been sent to Your Honor's Chambers.
- Plaintiffs' Amended Complaints were prepared and forwarded for filing (separately) insofar as the Court must issue Amended Summonses, copies of these are also being served upon counsel for the defendant Republic of Germany, with a courtesy copy to Your Honor.
- Plaintiffs agreed to extend the time within which Defendants' Reply papers are due, in exchange for the courtesies (of a few additional days) which defendants' counsel extended to plaintiffs' last week.

I wish to inform the Court that the delays plaintiffs experienced were due, primarily, problems which one of the plaintiffs' Dr. Joram Deutsch experienced personally, professionally and in his nuclear family. It is my understanding that Dr. Deutsch's 93 year old mother needs daily attention for serious medical and support matters. I do not yet know the extent to which these problems may interfere with Dr. Deutsch's availability to other plaintiffs in the future prosecution of these cases and shall keep the Court informed should there be a problem. [Note: It is Dr. Deutsch who submitted supporting Affidavits to date.] These facts also relate to plaintiffs' pending application and emphasize the need to take depositions to preserve the testimony of the 93 year old Mrs. Deutsch and plaintiffs wish to address this at the upcoming Oral Argument.

Edward D. Fagan Esq.

Honorable Laura Taylor Swain, USDJ

Re: AHVRAM/DEUTSCH et al v. Federation of Russia & Germany, 04-Civ-8456 (LTS);

Re: AHVRAM/DEUTSCH et al v. Republic of Hungary & Germany, 04-Civ-8457 (LTS);

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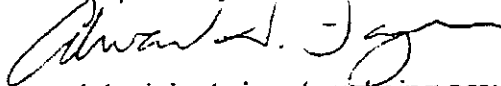
When plaintiffs realized that there was going to be this delay last week, we contacted Mr. Harris and reached an agreement on the timing for plaintiffs' papers. In exchange, for the brief extensions, plaintiffs agreed to give Mr. Harris a reasonable extension for defendant Germany's reply papers. *[Mr. Harris indicated he had no problem with my making this representation to Court.]* The only issue was defendant Germany's getting its papers in to the Court at a time convenient for and acceptable to the Court so that the Court could give defendant Germany's papers reasonable consideration in advance of the scheduled January 14, 2005 Oral Argument.

As the Court indicated at the December 17, 2004 Oral Argument, the Court left it to Mr. Harris and me to work out the timing for our respective papers, so long as the Court sufficient time to review all the papers before the January 14, 2005 Oral Argument. I therefore respectfully request the Court endorse these brief extensions. Of course, the parties wanted to make sure that these brief delays did not inconvenience the Court. I shall be in touch with Chambers tomorrow - January 4, 2005 – to confirm this matter.

On a related matter, in the event the Clerk's Office contacts Chambers regarding the Amended Summonses, I respectfully pray that Your Honor instruct the support staff to give the Court's approval to issuance of these Amended Summonses, so that they, and the Amended Complaints can be forwarded for prompt service upon defendant Republic of Germany.

Finally and as always, I thank the Court in advance for its considerations to this case and to the claims of Holocaust victims, heirs, beneficiaries and successors in interests in the related cases.

Respectfully submitted,



/s/ original signature being provided

Edward D. Fagan  
Morse Geller

Cc: Jeffrey Harris Esq. / Max Riederer von Paar Esq.  
Rubin, Winston, Diercks, Harris & Cooke LLP – Via Fax +(202) 429-0657  
Morse Geller Esq.

*Amended summonses shall issue as necessary.*

SO ORDERED.



*6 Jan 2005*

LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE